



# UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

## (1) CAPTIONS OF ACTIONS

FULL NAME + NUMBER OF PRISONER PLAINTIFF: JASON I. BAXTER 1DA3D96

-Vs-

**19 CV 6722L**

NAMES OF DEFENDANTS:

(1) <u>PAUL PICCOLO</u>	(2) <u>TIMOTHY HEATH</u>
(3) <u>JOSEPH BRADLEY</u>	(4) <u>BART WAGNER</u>
(5) <u>ADAM DELAWAY</u>	(6) <u>RICHARD GANTERT</u>
(7) <u>PETER SCHMITT</u>	(8) <u>K. MOORE</u>
(9) <u>C. GIRIBALDI</u>	(10) <u>JAMES ESGROW</u>
(11) <u>BRANDON COON</u>	(12) <u>J. KILLS</u>
(13) <u>R. STROMAN</u>	(14) <u>E. BUTLER</u>
(15) <u>L. BUTLER</u>	(16) <u>E. THATCHER</u>
(17) <u>R. KENNELL</u>	(18) <u>JOHN DOE</u>
(19) <u>JANE DOE</u>	

## STATEMENT OF JURISDICTION

THIS CIVIL ACTION SEEKS RELIEF AND/OR DAMAGES TO DEFEND AND PROTECT THE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES. THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. § 1983, THIS COURT HAS JURISDICTION OVER THE ACTION PURSUANT TO: 28 U.S.C §§ 1331, 1343(3) AND (4) AND 2201.

DEFENDANT INFORMATION: NAME - OFFICIAL POSITION: SUPERINTENDENT - P. PICCOLI  
 DEPUTY SUPERINTENDENT SECURITY - T. HEATH / CAPTAIN - J. BRADLEY / CAPTAIN - B. WAGNER  
 LIEUTENANT - R. GANTERT / SERGEANT - A. DOLAWAY / SERGEANT - P. SCHMITT / SERGEANT GIRIBALDI  
 SERGEANT - K. MOORE / COMMISSIONER OF HEARING(S) J. ESGROW / C.D. - B. COON  
 C.D. - R. STADMAN / C.D. - L. BUTLER / C.D. - E. BUTLER / C.D. E. THATCHER / C.D. - R. KENNEL  
 C.D. J. KILLS / JOHN DOE / JANE DOE

DEFENDANTS IS SUED IN: ☒ INDIVIDUAL AND/OR ☐ OFFICIAL CAPACITY

ADDRESS OF DEFENDANTS: SOUTHPORT CORRECTIONAL FACILITY; 236 BOB  
 MASIA DRIVE, P.O. BOX-2000, PINECITY  
 NEW YORK 14871-2000

### PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

(A) - HAVE YOU BEGUN ANY OTHER LAWSUITS IN STATE OR FEDERAL COURT  
 WITH THE SAME FACTS INVOLVED IN THIS ACTION? ☒ YES ☐ NO

IF YES, COMPLETE THE NEXT SECTION: (1) NAMES OF THE PARTIES TO  
 THIS OTHER LAWSUIT, PLAINTIFF(S): JASON I. BAXTER

DEFENDANT(S): ALL SUPRA

(2) COURT - UNITED STATES DISTRICT COURT WESTERN, NEW YORK,  
 2120 - U.S. COURTHOUSE, 100 - STATE STREET  
 ROCHESTER NEW YORK 14614-1387

(3) DOCKET OR INDEX NUMBER(S): NONE

(4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: NONE

PLNTF. BAXTER, SENT TO THE COURT SUPRA, ~~THE~~ THIS VERY SAME 1983 WITH MULTIPLE  
 EXHIBITS. ON AUGUST-25-2019 THE 1983 WAS PLACE IN A SOUTHPORT MAIL BOX  
 HOWEVER NO DOC OR INDEX- OR-CV- NUMBER, AND AFTER SEVERAL INQUIRY'S  
 NO RESPONSE. SO PLNTF. BAXTER HAS PRESUMED THE 1983 NEVER LEFT THE  
 SOUTHPORT CORR. FAC. BECAUSE ON SEPT-9-2019 PLNTF. BAXTER PLACE A 1983

PLACE A 1983 IN A SOUTHPORT MAILBOX AND NINE DAYS  
LATER RECEIVED CV-# 19CV6679. HOW IS THAT? A 1983 FROM  
AUGUST-25-2019 DID NOT GET A NUMBER, BUT 1983 FROM SEPT-9-19  
GOT A NUMBER? PLNTF. BAXTER IS UNDER THE STRONGEST  
IMPRESSION THAT MAILROOM STAFF IS ONLY ALLOWING CERTAIN  
"LEGAL MAIL" TO GO OUT OF THIS FACILITY OR COME IN  
HOW DO YOU EXPLAIN THIS THEN?

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DFDNT = DEFENDANT

PLNTF. = PLAINTIFF

M.B.R. = MISBEHAVIOR REPORT

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |  |  |   |
|--|--|---|
| • Religion   | <input checked="" type="checkbox"/> Access to the Courts | • Search & Seizure <input checked="" type="checkbox"/> <u>UNLAWFUL IMPRISONMENT</u>       |
| • Free Speech  | • False Arrest   | • Malicious Prosecution <input checked="" type="checkbox"/> <u>RETALIATION-CONSPIRACY</u> |
| <input checked="" type="checkbox"/> Due Process      | • Excessive Force  | • Denial of Medical Treatment   |
| <input checked="" type="checkbox"/> Equal Protection | • Failure to Protect                                     | • Right to Counsel  |

**Please note that** it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

\_\_\_\_\_ Dismissed (check the box which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to exhaust administrative remedies;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): JASON BAXIER

Defendant(s): HAROLD D. GRAHAM / NASSAU COUNTY / NYS DOCCS

2. District Court: EDNY- 100 FEDERAL PLAZA CENTRAL ISLIP, NY 11722

3. Docket Number: 15-CV-3197

4. Name of District or Magistrate Judge to whom case was assigned: HON JOSEPH F. BIANCO

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes X No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_



did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The constitutional basis for this claim under 42 U.S.C. § 1983 is: \_\_\_\_\_

The relief I am seeking for this claim is (briefly state the relief sought): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? ☒ Yes \_\_\_\_\_ No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? ☒ Yes \_\_\_\_\_ No If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**If you have additional claims, use the above format and set them out on additional sheets of paper.**

\_\_\_\_\_  
\_\_\_\_\_

**6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

DAMAGES, RELEASE FROM THE S.H.U.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Do you want a jury trial? Yes ☒ No \_\_\_\_\_

(A) Claim. Dn MARCH-5-2019 — MARCH-12-2019

DEFENDANTS: PAUL PICCOLO AND/OR TIMOTHY HEATH DR  
JOHN-JANE DOE MOVEMENT + CONTROL  
PICCOLO-SUPERINTENDENT/HEATH-DEPUTY SUPERINTENDENT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS, DID CONSPIRER WITH SUBORDINATE'S TO RETALIATE ON PLAINTIFF BAXTER, BECAUSE OF PROTECTED CONDUCT FILING: GRIEVANCE'SS / LAW-SUITS / P.R.E.A. COMPLAINT'S. HAD BAXTER MOVED FROM THE D-BLOCK HOUSING UNIT WHERE C.D.-B. COON WHO WAS THE SUBJECT OF SAID PROTECTED CONDUCT. PREA + GRIEVANCE COMPLAINT'SSS. HAS A STEADY POST, HOWEVER THAT WAS PRETEXTUAL, THE REAL REASON(S) WAS BECAUSE: AFTER BEING DENIED PHONE-CALLS FOR (5) FIVE MONTH'S BY CAPTAIN WAGNER (SEE 19-CV-6077) ON MARCH-5-2019 BY PHONE PLNTF. BAXTER FILED A P.R.E.A. COMPLAINT DN C.D.-COON PER #777, SO MEMBER'S OF THE "BLUE WALL KLAN" CONSPIRERED TO RETALIATE ON BAXTER FOR FILING THAT P.R.E.A. COMPLAINT. BETWEEN MARCH-5-2019 + MARCH-12-19 C.D.-L. BUTLER <sup>AKA</sup> THE BLUE SUNFLOWER, STARTED WORKING IN D-BLOCK TO OBTAIN A VISUAL DESCRIPTION OF BAXTER. AFTER L. BUTLER OBTAIN THAT DESCRIPTION BAXTER WAS MOVED FROM D-BLOCK TO B-BLOCK. AT ONE TIME BAXTER WAS HOUSED IN B-BLOCK, HOWEVER BAXTER WAS MECHANICALLY RESTRAINT AND ASSAULTED BY SEVERAL CORRECTION OFFICER'S IN B-BLOCK AND THAT WAS THE REASON(S) BAXTER WAS MOVED TO D-BLOCK. IT HAS CAMERA'S + MICROPHONE'S ALL OVER THE BLOCK. BOTH DEFNTS. PICCOLO + HEATH WAS WELL AWARE OF THIS, YET DEEM IT FIT FOR BAXTER TO RETURN TO B-BLOCK, WHICH HAS NO CAMERA'S OR MICROPHONES. HOWEVER DEFNTS. PICCOLO - HEATH SEEM TO DEEM IT UNFIT FOR BAXTER TO BE HOUSED ON THE 3<sup>RD</sup> FLOOR WITH THE NORMAL/REGULAR PIMS LEVEL 3 INMATE'S, AND PLACE BAXTER ON A MEDICAL GALLERY, FOR WHICH YOU NEED A MEDICAL PERMIT OR REASON(S) TO BE HOUSED ON THAT GALLERY. BAXTER HAS/HAD NEITHER. WHO DID DEFNTS. PICCOLO - HEATH DEEM IT FIT FOR BAXTER TO BE HOUSED IN B-BLOCK "AGAIN" YET NOT FIT TO BE UPSTAIR'S ON THE 3<sup>RD</sup> FLOOR? WHAT? THE CO.'S WHO ASSAULTED BAXTER CANNOT GO ONTO / COME ON B-2-GALLERY? "NO" L. BUTLER WORKS THAT COMPANY B-2 AT NITE AND AFTER L. BUTLER LOCATED BAXTER CELL, SHE FALSELY

BAXTER IS PRESSING/PURSuing P.R.E.A. CHARGES "REAL ONE'S" DA  
DNE OF US (C.D.'s) WE WILL RETALIATE IN "KIND". NOW IF  
DFDNTs. PICCOLO - HEATH WANTED TO SEPARATE BAXTER FROM THE  
STEADY WORK POST/BLOCK OF CO-COON, WHY DID BAXTER GET MOVED  
RIGHT BACK TO D-BLOCK AFTER L. BUTLER WROTE A MISBEHAVIOR  
REPORT ON FALSE CHARGES OF LEWD CONDUCT AND C.D.-COON STILL  
WORK'S D-BLOCK? (Hmmm)

THE DAS BAXTER WAS MOVED FROM D-BLOCK, BECAUSE OF HIS  
PROTECTED CONDUCT) BOTH DFDNTs. PICCOLO - HEATH MADE EXECUTIVE  
ROUND'S AND LOOK INTO BAXTER ASSIGNED CELL AND SEEN  
BAXTER PROPERTY PACK-UP.



(A) CLAIM, DN - APRIL-18-2019 + APRIL-30-2019 / APRIL-2019

DEFENDANTS: ADAM DOLAWAY / RONALD H. KENNELL / JAME ESGROW  
CORR. SERGEANT / CORR. OFFICER / COMMISSIONER OF HEARING(S)

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS) AFTER BAXTER WAS RE-HOUSED BACK IN D-BLOCK, THE ABOVE STATED DEFENDANT'S DENIED BAXTER DUE PROCESS OF LAW ON THE DAY OF APRIL-18-2019. PLAINT. BAXTER APPEARED AT A TIER 3 HEARING FROM A M.B.R. WRITTEN BY LORRAINE S. BUTLER, AFTER BAXTER REQUESTED SEVERAL WITNESSES AND DOCUMENTS AND DISPLAYED HIS INTENTION'S TO DEFEND AGAINST THESE FALSE CHARGES, THE ABOVE STATED DEFENDANT'S THEN CONSPIRERED TO RETALIATE AND DENIED BAXTER HIS DUE PROCESS, BY WAY OF ENFORCING AN UNLAWFUL PRE-HEARING DEPRIVATION ORDER OUT OF ANIMUS MALICIOUS RETALIATION, BAXTER HAS NOT BEEN FOUND GUILTY OF ANYTHING, AND DEFEND. DOLAWAY OUT OF MALICE TRY TO FORCE BAXTER TO WEAR AN EXPOSER-SUIT AND WHEN BAXTER REFUSED DEFEND. DOLAWAY TOLD / ORDER DEFEND. KENNELL, WHO WAS THE ESCORTING OFFICER, NOT TO TAKE BAXTER TO HIS HEARING, EVEN WHEN BAXTER TOLD DEFEND. KENNELL "FACE TO FACE" [ I WANT TO GO TO MY HEARING I'M NOT GUILTY YET, SGT. DOLAWAY CANNOT DO THAT ] IT FELL ON DEAF EARS. KENNELL CHOSE TO AID + ABET HIS SUPERVISOR DOLAWAY, NOT THE LAWS) KNOWING IT WAS WRONG TO DO SO, AND WITH THE UPPER LEVEL AUTHORIZATION A DEPUTY OR HIGHER CAN ONLY ISSUE DEPRIVATION ORDER(S). THE ONLY AND MOST STRONGEST INFERENCE FROM RANKING DIGNITARY DEFENDANTS IN THIS DOCUMENTARY COMPLAINT, IS BAXTER IS GUILTY NO MATTER WHAT TRUTH-EVIDENCE. HE PRESENT TO THE "CONTRARY" "RESPONDENT SUPERIOR MUST ATTACH" THE HEARING OFFICER DEFEND. ESGROW KNEW FROM BAXTER FIRST APPEARANCE, AND REQUEST OF WITNESSES AND DOCUMENTS, PLAINT. BAXTER WAS GOING TO FIGHT "ALL THOSE FALSE CHARGES TO THE END" AND DEFEND. ESGROW "NEVER VERIFIED BAXTER SUDDEN-ALLEGED-SPECIOUS REFUSAL" THE NEXT PRESUDICIAL SPILLOVER EFFECT WAS A SECOND DENIAL OF DUE PROCESS OF LAWS.

As TO THE FIRST DENIAL OF DUE PROCESS, FROM DFDWIS - DOLAWAY -  
KENNEL - ESGROW - RESPONDEAT - SUPERIOR - PICCOLI - HEATH.

- (1) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THE HEARINGS.
- (2) BAXTER WAS DENIED THE RIGHT TO CALL WITNESSES IN HIS BEHALF.
- (3) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT
- (4) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (5) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION BY THE HEARING OFFICER.
- (6) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE.
- (7) BAXTER WAS DENIED AN IMPARTIAL HEARING OFFICER.
- (8) BAXTER WAS DENIED THE RIGHT TO BE PRESENT WHILE WITNESSES TESTIFIED.
- (9) BAXTER WAS NOT HEARD AT A MEANINGFUL TIME OR IN ANYWAY.

(A) CLAIM: DN APRIL-19-2019 + APRIL-29-2019

DEFENDANTS: RICHARD GANTERT, PETER SCHMITT, EDWARD THATCHER  
CORRECTION LIEUTENANT SERGEANT CORRECTION OFFICER

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS) THE ABOVE STATED DEFENDANTS DID DENIED DUE PROCESS TO BAXTER DFDNT. SCHMITT ENFORCEMENT OF AN UNLAWFUL-DEPRIVATION ORDER WAS ONE REASON WHY BAXTER NEVER RECEIVED HIS PROCESS DUE, DFDNT. THATCHER CAME TO ESCORT BAXTER TO HIS HEARING AND FACE TO FACE BAXTER INFORMED DFDNT. THATCHER (ESCORTING C.O.) THAT [I WANT TO GO TO MY HEARING] DFDNT. THATCHER CHOSE TO STAND-BY SUPERVISOR SCHMITT AND NOT THE LAWS) AND ESCORT BAXTER TO THE HEARING AND THE HEARING OFFICER DFDNT. GANTERT, REFUSED TO VERIFY THE SPECIOUS REFUSAL PER HIS OWN REGULATIONS) AND "THAT WAS DUE PROCESS LAST HOPE"

- (1) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THE HEARING.
- (2) BAXTER WAS DENIED THE RIGHT TO CALL WITNESSES) IN HIS BEHALF.
- (3) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT.
- (4) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (5) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION OF THE HEARING OFFICER
- (6) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE
- (7) BAXTER WAS DENIED IMPARTIAL HEARING OFFICER
- (8) BAXTER WAS DENIED THE RIGHT TO BE PRESENT WHILE WITNESSES) TESTIFIED
- (9) BAXTER WAS NOT HEARD AT A MEANINGFUL TIME OR IN ANYWAY



(A) CLAIM ON APRIL - 24-2019 / MAY-2019 / JUNE-2019

DEFENDANT: PETER S. SCHMITT CORRECTION SERGEANT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW(S)

DID ANIMUSLY RETALIATE AND INVIDIOUSLY DISCRIMINATE AGAINST, PLAINTIFF BAXTER: (1) DEFENDANT SCHMITT CONTINUOUSLY SUBMITTED RESTRAINT ORDER(S) WHICH WAS FALSE BUT NONE THE LESS APPROVED BY DEFENDANT HEATH AND INMATE(S). CANNOT ADVANCE TO PIMS LEVEL 2 UNTIL (30) THIRTY DAYS AFTER THE THE RESTRAINT ORDER HAS BEEN DISCONTINUED, AND AFTER WEEKS OF FALSE RESTRAINT ORDER(S) SUBMITTED BY SCHMITT APPROVED BY HEATH, WHEN DEFENDANT SCHMITT COULD NOT GET ANOTHER ORDER, HE THEN STARTED HIS INVIDIOUS DISCRIMINATION AND INMATE(S) WHO CAME TO D-BLOCK AFTER BAXTER WITH DEPRIVATION ORDER(S) DISCONTINUED BY SCHMITT, AND ALLOWED A WHITE INMATE TO ADVANCE, DEFENDANT SCHMITT EVEN PUT SAID INMATE IN A LEVEL 3 CELL JUST SO HE SCHMITT CAN SAY THERE'S NO LEVEL 2 CELL AVAILABLE, SO YOU CANNOT ADVANCE GET BAXTER.

THESE INMATE(S) WAS LATINO AND HAD JUST GOT RESTRAINT ORDER(S) DEPRIVATION ORDER(S) AND A TIER 3 TICKET PLUS DEPRIVATION ORDERS  
SHAWN KING 17R3042 (LATINO) / BRYAN REDDEN 18A1016 (WHITE)  
GARCIA - D-A-3CELL / RAMEREZ D-A-10CELL (LATINO) RAMEREZ

WAS WRITTEN-UP BY L. BUTLER FOR LEWD CONDUCT AND NOT ONCE DID DEFENDANT SCHMITT ENFORCE THE EXPOSER-SUIT UPON HIM / GARCIA HAD A SHOWER DEPRIVATION ORDER, IN FACT ALL ACTIONS WAS DISCONTINUED SO THAT THESE INMATE(S) CAN FILL-UP THE LEVEL TWO CELL(S), SO THAT BAXTER CANNOT ADVANCE ONE WAY OR THE OTHER



(A) CLAIM: ON APRIL-5-2019 THREW MAY-10-2019

DEFENDANTS: ADAM DOLAWAY CORRECTION SERGEANT

PETER S. SCHMITT CORRECTION SERGEANT

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAW  
DID DENY PLTF. BAXTER RECREATION FOR (1) ONE MONTH AND (5) FIVE DAYS  
STRAIT, DENIED BAXTER HIS MENTAL HEALTH CALL'S-OUT'S (2) TWO AND  
THE BARBER-SHOP AND CREATED A STIGMA-PLUS BY PLACING A 9X15  
(NEON GREEN WITH BOLD BLACK LETTER'S) SIGN ON THE FRONT DOOR  
OF BAXTER CELL THAT STATED "EXPOSER" FOR ALL OUTSIDE  
GUEST AND FACILITY STAFF TO SEE EVERYDAY-EVERYTIME  
THEY WALK PAST BAXTER CELL.

THE CONDITIONS OF THIS S.H.U. ONLY INSTITUTION CALL  
"SOUTHPORT" THE MOST PUNITIVE OF THE NEW YORK STATE SYSTEMS  
FACILITY, A FACILITY WHERE PROTECTIVE CUSTODY OR ADMINISTRATIVE  
SEGREGATION ARE "NOT HOUSED" BAXTER HAS TO ENDURE THE FOLLOWING  
AT THIS "SOUTHPORT FACILITY D-BLOCK PUNITIVE SEGREGATION UNIT"

- (1) THE CELL(S) IS INFESTED WITH SPIDER'S.
- (2) THE CELL(S) HAVE MOLE ON THE WALL'S
- (3) THERE ARE MICE RUNNING IN/OUT OF THE CELL ALL NITE LONG.
- (4) THE (30") THIRTY'S INCH LIGHT IS ON ALL DAYS FROM 6:00 AM TO 11:15 PM  
NO LIGHT SWITCH INSIDE THE CELL.
- (5) YOUR PLACED IN ANOTHER CAGE FOR EXERCISE, INSTEAD OF AN OPEN  
SPACE.
- (6) NO CONGREGATE ACTIVITY AT THIS S.H.U. OTHER S.H.U. HAS SUCH REC.
- (7) THE HYGIENIC CONDITION FAR FAR INFERIOR TO GENERAL POPULATION  
ONCE A WEEK YOUR ALLOWED WET CELL CLEAN-UP WHICH CONSIST OF  
TOILET BRUSH- ONE WATERED DOWN LIGHT GREEN DISINFECTANT

- (8) DEFAULTS PLUMING, THE NEIGHBORING CELL FLUSHES AND THE WASTE FLOATS UP INTO YOUR TOILET
- (9) 1oz SOAP-BAR'S TO TAKE SHOWER WITH, (1) ONE SMALL-CUP OF TOOTHPASTE
- (10) COMMUNICATIONS WITH FAMILY-FRIENDS IS AT A "ALARMING LOW" "IN ANY COMPARISON"
- (11) YOUR RESTRAINT WHENEVER YOUR OUTSIDE YOUR CELL, EVEN AT RECREATIONS.
- (12) SMALLER FOOD PORTIONS / NO VITAMINS SUPPLEMENT(S)

(A) CLAIM: ON MAY-2019 JUNE-19-2019

DEFENDANT: JOSEPH BRADLEY - CORRECTION CAPTAIN

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS  
 DID RETALIATE ON PLNTF. BAXTER BY WRITING A MISBEHAVIOR REPORT FROM  
 AN ALLEGE INCIDENT THAT HAPPEN IN APRIL-2019, THIS WAS DONE  
 AFTER DFDNT. BRADLEY WAS SERVED BY THE UNITED STATES MARSHAL  
 THEN DFDNT. BRADLEY SHOWED MORE ADVERSE ACTION BY CONDUCTING A  
 LATE HEARING FOR M.B.R. WROTE ON MAY-31-2019 IN WHICH  
 THE ELECTRONIC WITNESS SHOWED CONTRARY TO THE M.B.R. DFDNT.  
 BRADLEY SANCTION ONE (1) YEAR IN THE S.H.U. UPON PLNTF. BAXTER  
NEW YORK HAS WELL SETTLED LAWS THAT AT SOMEPOINT A PRISONER CONFINED  
 IN SEGREGATION UNIT MUST HAVE HIS STATUS EXAMINED BY PRISON OFFICIAL  
 AND BE ACCORDED SOME SORT OF HEARING AS TO GROUNDS FOR THE  
 CONTINUED CONFINEMENT, WHEN STATE MANDATES SUCH HEARING NO LATER THAN  
 14 DAY'S AND PRISONER CONFINEMENT CONTINUES WITHOUT A HEARING FOR  
 20 DAY'S A PROTECTED LIBERTY'S INTEREST HAS BEEN VIOLATED, NEW YORK  
 REGULATION ITSELF GAVE DFDNT BRADLEY CLEAR NOTICE THAT A HEARING COULD  
 NOT BE CONDUCTED BEYOND 14 DAY'S WITHOUT PROPER APPROVAL, DFDNT. BRADLEY  
 WAS HELL-BENT ON RETALIATING ON BAXTER: (1) FRAUDULENT DOCUMENTS  
 (2) CALCULATED CELL SEARCHES / (3) MALICIOUS PROSECUTION / (4) UNLAWFUL -  
 IMPRISONMENT IN THE S.H.U.

THE MISBEHAVIOR REPORT WAS A RE-ISSUE FROM AN APRIL-25-2019  
 ALLEGE INCIDENT, THIS HEARING WAS COMPLETED ALLEGESLY MAY-8-2019  
 "HOW WAS DFDNT. BRADLEY ALLOWED TO RE-ISSUE IT LATE?"

DEFENDANT: BART WAGNER - CORRECTION CAPTAIN

DID THE FOLLOWING TO ME: ACTING UNDER THE COLOR OF STATE LAW DID RETALIATE ON PLNTF. BAXTER BECAUSE OF PROTECTED CONDUCT OF FILING GRIEVANCE'S / LAW-SUITS / PREA COMPLAINTS / ITS REAL IMPORTANT TO CONSIDER WHO AUTHORIZE THE SEARCH'S OF PLNTF. BAXTER CELL TIMING OF THE SEARCHES AND FREQUENCY, THE REASON'S AND DFDNT. WAGNER ISSUED SEVERAL UNLAWFUL DEPRIVATION ORDER'S AS WELL AS AIDED + ABETTED THE UNLAWFUL IMPRISONMENT IN THE S.H.U. OF PLNTF. BAXTER, BOTH DFDNTS WAGNER + BRADLEY CONTROL THE SOUTHPORT DISCIPLINARY OFFICE "EVERYTHING" DISCIPLINARY GDE'S THREW THERE OFFICE EVEN F.O.I.L REQUEST EMPLOYEE ASSISTANT MUST SUBMIT REQUEST OF EVIDENCE FOR A HEARING TIER 2 OR 3 TO DFDNTS WAGNER + BRADLEY OFFICE. FOR THE INMATES REQUEST OF EVIDENCE TO BE FORFILL, AS WELL AS ALL HEARING DISPOSITION(S) - TAPES - DEPRIVATION ORDER(S) - RESTRAINT ORDER(S) - COP'S ORIGINAL GO TO / GO THREW DFDNTS. WAGNER + BRADLEY OFFICE AND WAS WELL AWARE OR SHOULD HAVE KNOWN OF BAXTER UNLAWFUL IMPRISONMENT IN THE S.H.U. / DFDNTS. WAGNER + BRADLEY SELECTIVELY MAINTAIN ANIMUS - MERITLESS DISCIPLINARY PROCEEDING'S - DEPRIVATION ORDER'S RESTRAINT ORDER'S BECAUSE OF PLNTF. BAXTER PROTECTED CONDUCT



8<sup>TH</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION IS BASED ON THE DEFENDANTS WILLING MALICIOUSNESS TO RETALIATE AND VIOLATE BAXTER RIGHT(S) TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT, BY PUNISHING BAXTER "SEVERELY" FOR ACTS FOR WHICH HE WAS NOT CULPABLE AND DEFENDANTS IMPOSITION OF PUNISHMENT WHICH WAS "GROSSLY" DISPROPORTIONATE TO THE INFRACTION(S) ALLEGED TO HAVE OCCURED AND "SHOCKING TO THE CONSCIENCES)" "TOTALLY WITHOUT PENOLOGICAL JUSTIFICATION."

THE ONLY OPPORTUNITY FOR AN INMATE TO BE HEARD ON MATTERS OF HIS CONFINEMENT IS AT A DISCIPLINARY HEARING WHERE HIS GUILT OR INNOCENCE WILL BE DETERMINED NO HEARING'S - UNLAWFULLY IMPRISONED - MULTIPLE FORMS OF RETALIATION(S) PLAINLY EXCEED ALL BOUNDARIES OF PENOLOGICAL INTEREST - REASONABLENESS - JUSTIFICATION

(A) CLAIM, ON APRIL-2019 — AUGUST-2019

DEFENDANTS: PICCOLO/HEATH/BRADLEY/WAGNER/GANTERT/GIRIBALDI  
COON/KITTS/STROMAN/ESGROW/

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS  
DEFENDANTS SGT. GIRIBALDI - CO-COON - CO KITTS - CO-STROMAN ALL RETALIATED  
ON PLNTF. BAXTER FOR HIS PROTECT CONDUCT OF FILING GRIEVANCES, THESE  
DEFENDANTS - GIRIBALDI - COON - KITTS - STROMAN - WROTE OR ENDORSED MISBEHAVIOR  
REPORTS AND ALL STATED DEFENDANTS USED M.B.R. TO UNLAWFULLY  
IMPRISON BAXTER INSIDE THE S.H.U. / "AT NO TIME DID BAXTER  
~~CONSENT~~ CONSENT TO THIS UNLAWFUL IMPRISONMENT" AND WAS "WOKE" BY  
DEFENDANT BRADLEY TAMPERING WITH THE DISPOSITION HE RENDERED,  
KNOWING BAXTER WOULD REQUEST TAPE TO PERFECT AN APPEAL, DEFENDANT BRADLEY  
INTENTIONALLY WITH MALICE PUT THE WRONG HEARING TAPE (#) NUMBER  
AND CAUSE BAXTER TO BE "WOKE" TO THIS UNLAWFUL IMPRISONMENT "FULLY"  
ALL DEFENDANTS STATED ABOVE, DID CONSPIRE TO UNLAWFULLY IMPRISON  
BAXTER AS WELL AS DENY DUE PROCESS OF LAW AND ACCESS TO THE  
COURTS / UNLAWFUL IMPRISONMENT - DEFENDANT ESGROW HAS BEEN DEEMED THE  
HEARING OFFICER FOR BOTH/ALL MISBEHAVIOR REPORTS ON 4-25-19 AND  
MAY-1-2019 / ITS IMPORTANT TO LOOK AT THE PENALTY OF DISPOSITION'S  
OF ESGROW AND GANTERT FROM HEARING'S (THAT CONSTITUTE THE FIRST  
TWO DUE PROCESS VIOLATIONS) COMPLETED IN APRIL-2019, DEFENDANT  
ESGROW IMPOSED A PENALTY FROM THE APRIL HEARING THAT WAS TO START  
SEPT-2-2019, HOW CAN DEFENDANT ESGROW IMPOSE A DISTANT SANCTIONS FOR  
SEPTEMBER-2019 AND ITS APRIL-2019 AND THE MAY-1-2019 M.B.R. HAVE  
NOT BEEN WRITTEN, NORE HAS THE HEARING BEEN COMPLETED, NOT UNTIL  
MAY-8-2019 "ALLEGELS" DEFENDANT ESGROW IS WELL AWARE OF THE (5 1/2)  
FIVE + HALF MONTHS WHICH "FAKE" HEARING'S HE DID ALLEGELS

DEFENDANT ESGROW WAS WELL AWARE OF THE UNLAWFUL IMPRISONMENT AND HE KNOWS HE NEVER HELD ANY HEARINGS TO JUSTIFY THE FIVE + HALF MONTHS OF UNLAWFUL IMPRISONMENT IN THE S.H.U. / DEFENDANT GANTERT ADVERSE DISPOSITION FROM A HEARING COMPLETED IN APRIL-29-2019 IN ABSENTIA, THE PENALTY IMPOSED DOES NOT START UNTIL 9-2-2019 AND ENDS 10-2-2019. HOW CAN THAT BE? THE HEARING WAS COMPLETED IN APRIL-24-2019 MAY-1-2019 M.B.R. HAVE NOT BEEN WRITTEN OR COMPLETED UNTIL MAY-8-2019? LIEUTENANT GANTERT (WATCH COMMANDER) AND COMMISSIONER OF HEARINGS OFFICER ESGROW AIDED AND ABETTED THIS UNLAWFUL IMPRISONMENT

BOTH DEFENDANTS BRADLEY + WAGNER KNEW - SHOULD HAVE KNOWN, THAT THERE OFFICE NEVER ASSIGNED AN EMPLOYEE ASSISTANT / NEVER RECEIVED A REQUEST FOR EVIDENCE / A DISPOSITION / A HEARING TAPE / MORE DID A WITNESS REQUEST OR REFUSAL FORMS / NOT EVEN ASSIGNING A HEARING OFFICER ETC..., THESE TWO CAPTAINS AIDED AND ABETTED AN AN UNLAWFUL IMPRISONMENT AND FORGED DOCUMENTS TO TRY AND COVER IT UP / MALICIOUS ADVERSE ACTION'S.

DEFENDANTS - GIRIBALDI - COON - STROMAN - KITTS - ESGROW, ALL KNOW FULL AND WELL THAT AT NO TIME DID THEY APPEAR OR TESTIFY AT A TIER 3 HEARING AND AT NO TIME WAS PLAINTIFF BAXTER TAKEN OUT OF HIS ASSIGNED CELL TO BE ESCORTED TO A HEARING, ALL THESE DEFENDANTS (EXCEPT ESGROW) HAVE A STEADY POST IN D-BLOCK SEGREGATION UNIT

PLAINTIFF BAXTER UNLAWFUL IMPRISONMENT WAS ALSO DONE SO THAT BAXTER COULD NOT LEAVE THE JURISDICTION OF CHEMUNG COUNTY AND THEREFORE COULD BE MALICIOUSLY PROSECUTED BY THE FRAUDULENT EVIDENCE COOK-UP BY DEFENDANT CAPTAIN JOSEPH BRADLEY / HOPEFULLY BRADY AND STRICKLEN WON'T HAVE TO "FREE" BAXTER FROM A MALICIOUS PROSECUTION, WRONGFUL CONVICTION FROM FALSE EVIDENCE SUBMITTED TO A GRAND JURY, WITH THE MALICE INTENTION OF SUBMITTING THAT AND MORE TO A JURY, PLAINTIFF BAXTER "BEGG'S" JUSTICE LARIMER FOR A FEDERAL INJUNCTION TO THIS MALICIOUS STATE PROSECUTION.



WAS WELL AWARE OF PLNTF. BAXTER UNLAWFUL IMPRISONMENT BY WAY OF THEM  
BEING NOTIFIED ON THERE EXECUTIVE ROUND'S AND GRIEVANCE COMPLAINTS, ON  
ROUND'S AND THEY SAID [ WE WOULD KNOW IF YOUR BEING UNLAWFULLY  
DETAINED AT "MY" FACILITYS YOUR NOT, YOU HAVE SEVERAL M.B.R. TO KEEP  
YOU HERE ] A SIMILAR RESPONSE CAME FROM DEPUTY SUPERINTENDENT SECURET'S  
T. HEATH IN THE GRIEVANCE RESPONSE, NO REAL INVESTIGATION EVER TOOK  
PLACE NOT EVEN ANOTHER CELL SIDE INTERVIEW FROM ANY SO-CALL  
SUBORDINATE(S) AS THATS THE "NORMAL PROCEDURE" / RESPONDEAT SUPERIOR  
MUST BE ATTACH

DUE PROCESS OF LAW VIOLATION AS TO BOTH THESE IMAGINARY TIER 3 HEARING'S

- (1) BAXTER ALLEGE'S NO HEARING'S TOOK PLACE.
- (2) BAXTER WAS DENIED THE RIGHT TO BE PERSONALLY PRESENT AT THESE "FAKE" HEARING'S
- (3) BAXTER WAS DENIED THE RIGHT TO CALL WITNESS(ES) IN HIS BEHALF.
- (4) BAXTER WAS DENIED THE RIGHT TO EMPLOYEE ASSISTANT.
- (5) BAXTER WAS DENIED THE RIGHT TO HEAR EVIDENCE AGAINST HIM.
- (6) BAXTER WAS DENIED THE RIGHT TO RESPOND TO SAID EVIDENCE PRIOR TO THE DISPOSITION
- (7) BY THE HEARING OFFICER.
- (7) BAXTER WAS DENIED THE RIGHT TO PRESENT + MARSHAL DOCUMENTARY EVIDENCE IN  
HIS BEHALF
- (8) BAXTER WAS DENIED THE RIGHT TO A DISPOSITION OF THE EVIDENCE RELIED UPON  
TO ESTABLISH BAXTER GUILT

THE PREJUDICIAL SPILLOVER EFFECT WAS BAXTER BEING DENIED ACCESS TO  
THE COURT(S); BAXTER COULD NOT / DID NOT PERFECT AN APPEAL OR ARTICLE 7800

PLNTF. BAXTER WAS DUE FOR RELEASE FROM THE S.H.U. APRIL-17-2019  
AND CONTINUE CONFINEMENT "CANNOT-MUST NOT-BE JUSTIFIED" ON THE  
BASIS OF DISCIPLINARY VIOLATION(S) UNDER THESE CIRCUMSTANCE'S



DEFENDANTS: CORRECTION OFFICER'S: BRANDON COON/J. KITTS/A. STROMAN  
CORRECTION SERGEANT K. MOORE

DID THE FOLLOWING TO ME: ACTING UNDER COLOR OF STATE LAWS,  
DID CONSPIRER TO RETALIATE ON PLNTF. BAXTER FOR/BECAUSE OF BAXTER  
PROTECTED CONDUCT OF FILING MULTIPLE GRIEVANCE'SSS AND P.R.E.A COMPLAINTS  
AGAINST DFDNT COON WHICH LEAD TO DFDNT COON LEAVE OF ABSENCE  
"PENDING P.R.E.A. INVESTIGATION"/"AFTER, DFDNTS HAD A MEETING  
OF THE MIND" AND CONSPIRED TO RETALIATE ON BAXTER BY WAY OF  
DISCIPLINARY ACTION I.E MISBEHAVIOR REPORTS, AND SGT. K. MOORE BY  
WAY OF DEPRIVATION ORDER'S AND MISBEHAVIOR REPORTS.

THE ATTACH EXHIBIT'S ARE A LITE/SMALL EXAMPLE OF THE COUNTLESS  
GRIEVANCE'SSS COMPLAINTS FILED AGAINST DFDNT. COON, WHO ALWAYS  
ENDORSES THE OTHER DFDNTS KITTS - STROMAN M.B.R./ALL THE M.B.R.  
ARE RETALIATORY AND THREE TIME'S DFDNTS WAGNER + BRADLEY  
DENIED PLNTF. BAXTER EVIDENCE TO PROVE KITTS - STROMAN - MOORE M.B.R.  
ARE FALSE ACCUSATIONS WRITTEN OUT OF MALICE ANIMUS RETALIATION  
DFDNT. COON CONTINUED TO HARASS BAXTER BY UNHYGIENIC ACTS AND  
STALKING / THE UNHYGIENIC ACTS DENYING BAXTER CELL CLEAN-UP /  
SWITCHING BAXTER SHAVING RAZOR WITH AN UNKNOWN INMATE / WATCHING  
BAXTER GET STRIP SEARCH BY ANOTHER C.O. / VERBALLY SEXUALLY HARASSING  
HOLDING BAXTER HAND WHILE TAKEN THE HANDCUFF OFF. / SO "DFDNTS  
COON - KITTS - STROMAN Banded TOGETHER TO RETALIATE"

IF THESE PROCEEDING'S MOVE OR TERMINATE INTO A TRIAL  
PLNTF. BAXTER WILL MOVE FOR DISCOVERY TO SHOW + PROVE AFTER  
THE FILING OF THE P.R.E.A. COMPLAINT BY PHONE ALL THESE  
ADVERSE ACTION TOOK PLACE FROM MOVING BAXTER TO ANOTHER  
HOUSING UNIT.

TO PROVE BAXTER PROTECTED CONDUCT WAS THE REASON(S) FOR  
THE ADVERSE ACTION AGAINST HIM.

PLEASE TAKE FURTHER NOTICE, THAT THESE GRIEVANCE COMPLAINT'SSS  
REFLECT THE HISTORY AND ON GOING HARASSMENT / SEXUALLY HARASSMENT  
AND ITS BECAUSE OF BAXTER'S PROTECTED CONDUCT

THE MAY-1-2019 GRIEVANCE CAUSE DEFEND. COON-STROMAN-KILLS BACK  
UP BY THERE SUPERVISOR TO WRITE - ENDORSE M.B.R.

OTHER PROTECTED CONDUCT CAUSE THESE DEFENDANTS MENTIONED  
IN THESE COMPLAINTS TO BAND TOGETHER CONSIDER AND  
RETAIATE ON BAXTER

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-24-2019  
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Jason Doyle

Signature(s) of Plaintiff(s)

WESTERN DISTRICT OF NEW YORK

JASON BAXTER (PLAINTIFF)

JASON BAXTER (PLAINTIFF)

## VERIFICATIONS

-v-

PICCOLI / HEATH / BRADLEY / WAGNER / GANTERT / POLAWAY / SCHMITT

GIRIBALDI / MODRE / ESGROW / CODIN / KILLS / STRODMAN / E. BUTLER /

L. BUTLER / KENNELL / THATCHER / JOHN DOE / JANE DOE

PRO-SE PLAINTIFF JASON BAXTER, DEPOSES AND SAYS: THAT ON

2019, PLNTF. BAXTER SUBMITTED AN COMPLAINT

UNDER 42 U.S.C. § 1983 TO THE UNITED STATES DISTRICT COURT. AND PLAINT.

Baxter HEREBY VERIFY'S THE COMPLAINT, THE MATTERS STATED IN

THE COMPLAINT ARE JUST-ACCURATE-TRUE-ACCOUNT OF EVENTS

STATED IN THE COMPLAINT, TO PLNT. BAXTER DWN

KNOWLEDGE, UNDER PENALTY OF PERJURY THE FOREGOING IS

TRUE AND CORRECT COMPLAINT.

Excited AT PineCity New York \_\_\_\_\_ 2019

Jason Baxter

Jason Davis

10A3D96

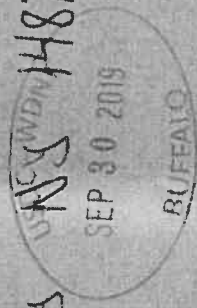
VERIFIED



BRYAN REDDEN 18A1016  
SOUTHPORT CORR. FAC.

P.O. Box-2000

PINEVILLE



CHIEF FEDERAL COURT CLERK  
200 - U.S. COURTHOUSE  
2 - NICHOLS SQUARE  
BUFFALO, NEW YORK 14202

## CIVIL COVER SHEET

19 CV 6722L

JS-44 (Rev. 9/17)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS JASON I. BAXTER (PRO-SE)

DEFENDANTS PICCLO, ET AL.

(b) County of Residence of First Listed Plaintiff CHEMUNG  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant CHEMUNG  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) SOUTHPORT  
P.O. Box 2000  
PINE CITY NY 14871-2000

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:

1<sup>st</sup> AMEND 8<sup>th</sup> 14<sup>th</sup> AMEND U.S. CONST.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 590,995,995

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 9-24-2019

SIGNATURE OF ATTORNEY OF RECORD

Jason Baxter PRO-SE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE